

PROVINCE OF SASKATCHEWAN



10-11

ANNUAL REPORT

**MINISTRY OF JUSTICE AND
ATTORNEY GENERAL**

Saskatchewan Public
Complaints Commission



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This annual report is also available in electronic format from the Ministry's website at www.justice.gov.sk.ca

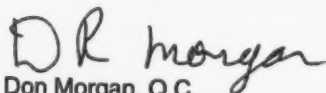
Letters of Transmittal



His Honour the Honourable Dr. Gordon L. Barnhart
Lieutenant Governor, Province of Saskatchewan

May it Please Your Honour:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2011.



Don Morgan, Q.C.
Minister of Justice and Attorney General



The Honourable Don Morgan, Q.C.
Minister of Justice and Attorney General

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2011.



Robert W. Mitchell, Q.C.
Chair

Mission Statement

The Public Complaints Commission is an independent panel of non-police persons appointed by the Saskatchewan Government to ensure that both the public and the police receive a fair and thorough investigation of a complaint against the municipal police in Saskatchewan.

One of the main functions of the police is the protection of the general public. Police services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when citizens feel they have not been treated fairly by a police officer. For that reason a citizen complaint procedure was set out in *The Police Act, 1990*. It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Public Complaints Commission

The Public Complaints Commission (PCC) consists of five persons, including a chairperson and a vice-chairperson who are appointed by the Lieutenant Governor in Council. By legislation, at least one member must be a person of First Nations ancestry, at least one member must be a person of Métis ancestry, and at least one member must be a lawyer. The chairperson has the delegated authority to exercise the powers and to perform the duties imposed on the PCC.

Canada has long been recognized as a leader in the civilian oversight of the police. In 1992 Saskatchewan introduced legislation that identified a specific agency to address public complaints.

On April 1, 2006 following a consultation process with the Saskatchewan Association of Chiefs of Police, the Federation of Saskatchewan Indian Nations, the Saskatchewan Federation of Police Officers, Métis Family and Community Justice Services, and local police boards, the PCC was created. The PCC replaced the office of the Saskatchewan Police Complaints Investigator.

Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the PCC are as follows:

- (1) Where the PCC receives a public complaint pursuant to section 38, the PCC shall:
 - (a) record the complaint received;
 - (b) establish and maintain a record of all public complaints received by the police services and their dispositions;

- (c) inform, advise and assist complainants;
 - (d) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;
 - (e) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and
 - (f) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services.
- (2) In exercising the duties of the PCC pursuant to this section, the PCC:
- (a) shall receive and obtain information respecting a public complaint from the complainant;
 - (b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;
 - (c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and
 - (d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

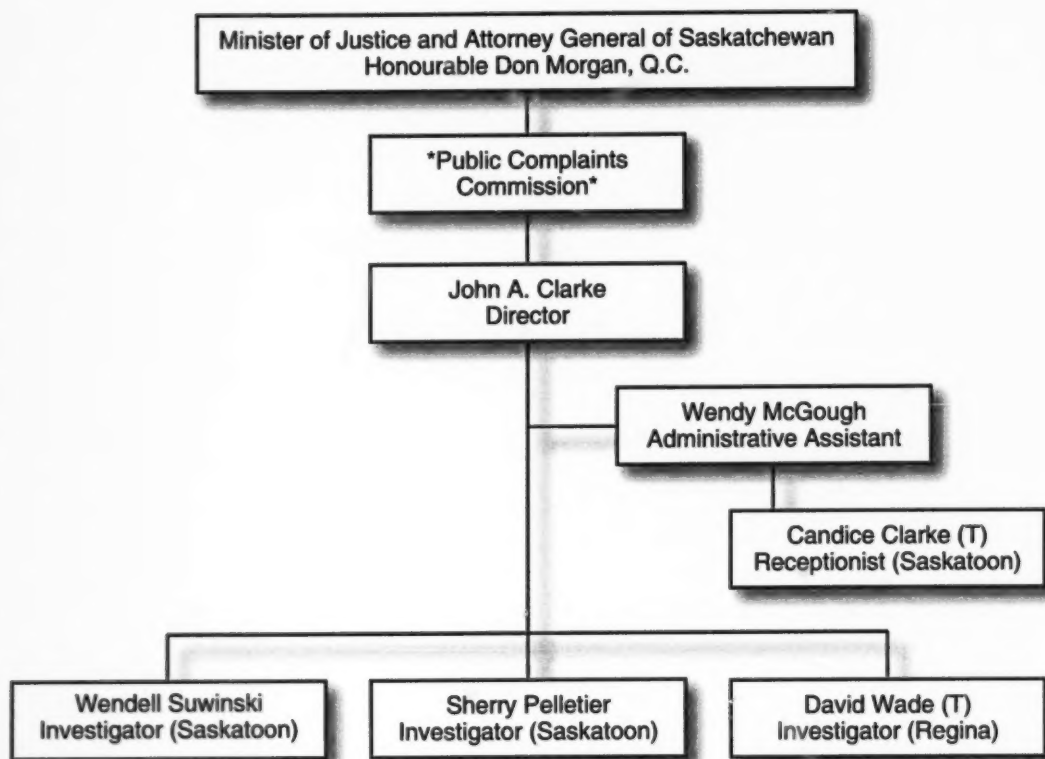
The PCC determines whether the investigation of a public complaint will be conducted by:

- the PCC investigative staff;
- the police service whose member is the subject of the complaint;
- the police service whose member is the subject of the complaint with the assistance of an observer appointed by the PCC to monitor the investigation and report to the PCC; or
- a police service other than the police service whose member is the subject of the complaint.

The Police Act, 1990 states that the Chief of Police is responsible for the maintenance of discipline. Although the majority of the PCC's findings are accepted by police chiefs, the findings are not binding on the Chiefs.

From time to time, differences of opinion with police chiefs have arisen and have resulted in healthy debate. While consensus is not always reached, the differences speak to the independence of the PCC.

Organizational Structure



- * The Public Complaints Commission consists of five individuals including a chairperson and vice-chairperson. Members are appointed by the Lieutenant Governor in Council.

Public Complaints Commission

Members of the Public Complaints Commission

Members are appointed for a three-year term and may be reappointed for a second term. However, no member may be appointed to more than two successive terms.

Members meet twice a month to review new complaints, receive briefings on current investigations, and reach consensus on final determinations of completed investigations that culminate in written decisions.

Chair:

Robert W. Mitchell, Q.C., Regina

Vice Chair:

Catherine M. Knox, Lawyer, Saskatoon

Members:

- Loretta Elford, Regina, a former Director of Education with the Regina Public School Board and active community member
- Raymond Fox, North Battleford, member of the Sweetgrass First Nation, Director of Justice, Battlefords Tribal Council, and a councillor for the City of North Battleford
- Michel Maurice, Saskatoon, Métis Elder

Director:

John Clarke, responsible for the administration and daily operation of the PCC

Administrative Staff/ Accommodation

Saskatchewan Public Complaints Commission
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Message from the Chair

Civilian oversight of police conduct is now accepted by every jurisdiction in Canada as an essential element of law enforcement. The system of oversight that has evolved in Saskatchewan is widely regarded as one of the best in the country.

Central to the Saskatchewan approach is that the Commission employs three highly qualified and experienced full-time investigators who are assigned to investigate public complaints that are sensitive or controversial. We realize that the public is sceptical about police investigating police, and our investigators bring a very high degree of independence and integrity to the process. We greatly appreciate their service and dedication.

We must also thank our Director, John Clarke, and our excellent administrative staff for their extraordinary services in support of our program.

I wish to extend my personal gratitude to the members of the Public Complaints Commission for their untiring efforts and dedication to the independence of the public complaint process. Commission members must make some unpopular decisions from time-to-time as they seek to ensure that the public interest is well served. Commission members diligently ensure that members of the public and the police are guaranteed a fair and unbiased review of a public complaint. Commission members are not full-time employees and their commitment to this process is maintained despite their very busy professional pursuits.

The PCC continues to have support and respect from the policing community. Among those who support the PCC are chiefs and senior officers of the municipal police services, the associations representing police officers and the officers themselves.

The FSIN had a great deal to do with the design of the public complaint process. The Métis Nation was also involved, made valuable contributions, and remains very supportive.

Saskatchewan is very fortunate to have a program of civilian oversight in place that enjoys this level of support.

Robert W. Mitchell, Q.C.
Chair

Progress in 2010-11

2010-11 Key Commitments

- Continue to receive, review and investigate complaints against Saskatchewan municipal police.
- Maintain an active role with the Canadian Association of Civilian Oversight for Law Enforcement (CACOLE) and continue to liaise with our provincial counterparts through this organization.
- Continue to participate in conferences that provide a forum for police officers, whose primary role is the investigation of public complaints and internal allegations of misconduct, to discuss current issues and share best practices.
- Continue to engage with the Commission for Public Complaints Against the RCMP.
- Deal with allegations of police officer misconduct that occur while the officers were appointed as police officers in another province.
- Address allegations of police officer misconduct that occur while officers are serving on Joint Forces Operations involving municipal and RCMP police officers.
- Implement a new database program to enhance the PCC's ability to document and catalogue information.
- Establish a new website to provide information on the public complaint process and accept the filing of a public complaint online.
- Continue to lecture to police recruit classes at the Saskatchewan Police College.
- Implement a mediation process to successfully resolve public complaints through informal resolution.
- Maintain contact with the Saskatchewan Information and Privacy Commissioner; Saskatchewan Ombudsman; Saskatchewan Human Rights Commission; Public Prosecutions Division of the Saskatchewan Ministry of Justice and Attorney General; Saskatchewan Federation of Police Officers; Saskatchewan Association of Chiefs of Police and the Federation of Saskatchewan Indian Nations, Special Investigations Unit.

2010-11 Results

- Received, reviewed and investigated complaints against Saskatchewan municipal police.
- The PCC maintained an active role with CACOLE. The Chair and Director attended the annual conference in Fredericton, New Brunswick, where the Director moderated a panel, First Nations Policing and Civilian Oversight. The Chair and Director attended CACOLE's annual planning session held in Ottawa, Ontario.

CACOLE provides a highly-regarded forum for all Canadian and international civilian oversight agencies to share experiences and research information. The PCC continues to liaise with our provincial counterparts through this medium, and the personal contacts established by participating in CACOLE have proven to be invaluable.

- The Chair and Director attended The Canadian Institute's Western Canadian Conference on The Law and Policing. This conference addressed the changing landscape of civilian oversight, discipline and civil liability. The Chair participated, and moderated a panel entitled, Meeting the Common Challenges of Police Oversight.
- The PCC continued to engage with the Commission for Public Complaints Against the RCMP. The Chair and Director attended the annual conference hosted by this Commission to promote improved relations between the federal and various provincial bodies responsible for civilian oversight. This is an important forum as many provincial jurisdictions contract with the RCMP to provide provincial and municipal policing.

This conference also provides a forum to discuss concerns with police officers who are temporarily appointed to work outside their provincial/municipal boundaries. Should allegations of misconduct arise, these officers are subject to investigation by the agency having geographical jurisdiction. However, disciplinary action is carried out by their individual Chiefs of Police, as if the incident happened within the boundaries of their police service.

- The PCC's new database was implemented April 1, 2010 to correspond with the new reporting year.
- The Director of the PCC lectured to two police recruit classes at the Saskatchewan Police College in 2010-11. These lectures provided the recruits with valuable insight into the public complaint process and identified key areas of concern with respect to police conduct in relation to civilian oversight.
- The PCC's website is now able to accept public complaints. The website provides information about the public complaint process and instructions for filing a public complaint online.
- Mediation has been accepted by the public and police officers as a viable alternative to the investigative process. The PCC employs the services of the Dispute Resolution Office, Ministry of Justice and Attorney General, to provide a neutral mediator. The mediator meets with the complainant and subject police officer independently to determine if there is a genuine interest to resolve the matter. Should that condition be met, the parties are brought together. The mediator advises the PCC of the outcome only. The specifics of the discussion are confidential and not provided to the PCC. This enables the matter to be formally investigated, should the informal process be unsuccessful.
- The PCC maintained contact with the Saskatchewan Information and Privacy Commissioner; Saskatchewan Ombudsman; Saskatchewan Human Rights Commission; Public Prosecutions Division of the Saskatchewan Ministry of Justice and Attorney General; the Coroner's Office; and local boards of police commissioners.
- The PCC attended annual meetings of the Federation of Saskatchewan Police Officers and Saskatchewan Association of Chiefs of Police, and met with the Justice Committee and the Special Investigations Unit of the Federation of Saskatchewan Indian Nations.
- Regular contact was maintained with individual Chiefs of Police and those police officers assigned to investigate public complaints, particularly with the Professional Standards Sections of Regina and Saskatoon Police Services, where the most public complaints are generated.

Matters of Concern

The PCC has identified the following matters that have created concerns with the quality of police investigations reviewed during the public complaint process:

- Quality of police officers' notebooks. The writing is illegible in some cases and lacking in sufficient detail to support the police officers' reports.
- Insufficient articulation in police reports that does not accurately describe the actions taken. Frequent examples concern the use of force utilized during an arrest. Reports are often lacking specific detail and contain a generalization of the incident (i.e. "The suspect became combative, was restrained, handcuffed and placed in police vehicle."). Reports should clearly state how the suspect became combative and provide a description of how the suspect was restrained.
- Police reports completed by junior officers are not receiving close scrutiny by supervisors, with little or no direction provided. This is particularly obvious where the reasonable and probable grounds for an arrest or search of a person are suspect.
- Use of distraction strikes to gain compliance.
- Apparent lack of conciliatory verbal skills. Officers are very quick to force individuals onto the ground, and forcefully apply handcuffs, with little or no effort to engage in dialogue. The PCC certainly acknowledges the situations that, when properly articulated, require officers to take immediate action.

The Director of the PCC has lectured to Police Supervisor and Recruit Field Training Officer classes at the Saskatchewan Police College where these issues have been presented. The importance of proper supervision and guidance have been emphasized as critical components in the development of sound police practices. These issues were also included in lectures to recruits in training.

Police officers must be aware of the reasonable and probable grounds required to arrest, as well as the authority for search and seizure.

The PCC had noted the increased usage of distraction strikes in police reports with little or no explanation as to why it was necessary, for example, to "Administer five or six blows to the head in order to distract a suspect so that the handcuffs could be applied." This was also brought to the PCC's attention by a police chief who contacted the PCC to enquire if there was a noticeable increase in the use of distraction strikes. The Chief of Police had observed the increased usage of this term in the reports submitted by police officers. When officers were questioned, the response was that it was a technique learned at the Saskatchewan Police College.

This led to further discussion with other chiefs of police who expressed a similar concern when contacted. Members of the PCC and our investigators, Police Professional Standard Sections, and several chiefs of police attended a recruit training session at the Police College to observe the method of instruction. It was clear that in many situations described in police reports, the use of distraction strikes in the circumstances was inappropriate. The officers were not using this technique as they had been taught. Physical confrontations are an everyday occurrence in the lives of police officers, and the use of force when properly articulated and justified is not a concern for the PCC. The PCC will continue to monitor the use of distraction strikes.

The PCC has not received the level of co-operation anticipated from the Special Investigation Unit of the Federation of Saskatchewan Indian Nations. Of primary concern is their decision to withhold copies of statements from complainants despite requests from complainants that the PCC be provided this information. This has caused unnecessary delay, as complainants must be re-interviewed.

2011-12 Plans

- Continue to receive, review and investigate complaints against Saskatchewan municipal police.
- Continue to review the public complaint investigative process, ensuring consistent quality and the reduction of the time taken to resolve public complaints.
- Maintain an active role with the Canadian Association of Civilian Oversight for Law Enforcement (CACOLE) and continue to liaise with provincial and federal counterparts.
- Continue to participate in conferences that provide a forum for police officers, whose primary role is the investigation of public complaints on behalf of the PCC.
- Continue to engage with the Commission for Public Complaints Against the RCMP, particularly in light of proposed amendments to the *RCMP Act*, which may provide for increased interaction with provincial bodies responsible for civilian oversight.
- Publish the PCC's decisions on an ongoing basis on our website.
- Continue to lecture at the Saskatchewan Police College to various courses on the issues surrounding the public complaint process, specifically identifying areas of concern.
- Continue to encourage the use of mediation to resolve public complaints.
- Maintain contact with all stakeholders.
- Host a fall seminar for those involved in the public complaint process, to promote discussion about effective methods of addressing public complaints.

2010-11 Performance Measures

The statistics set out in the tables on this page are for the period April 1 to March 31, for the fiscal years 2007-08, 2008-09, 2009-10 and 2010-11. The following pages show the breakdown of complaints for each of the 10 municipal police services and three rural municipality police services in the province during the 2010-11 fiscal year.

Number of Complaint Files Opened

Police Service	2007-08	2008-09	2009-10	2010-11
Regina	50	46	51	44
Saskatoon	57	73	79	82
Moose Jaw	3	2	2	3
Prince Albert	19	14	10	19
Estevan	1	6	10	1
Weyburn	1	1	1	3
Caronport	0	0	0	0
Dalmeny	0	1	0	0
File Hills	4	0	0	0
Luseland	0	0	0	0
R.M. of Corman Park	0	0	1	0
R.M. of Vanscoy	0	0	0	0
R.M. of Wilton	0	1	0	0
Total Number of Files	135	144	154	152

The table below shows the percentage of complaint files that fall within certain time-frames, during which the complaint is received, investigated, reviewed and the complainants are advised of the action taken with respect to their concerns.

Percentage of Complaint Files Completed Within Given Time-frames

Days	2007-08	2008-09	2009-10	2010-11
0 - 30	13	31	18	20
31 - 60	7	7	16	12
61 - 90	4	8	4	5
91 - 120	2	1	4	1
121 - 150	2	4	3	3
151 - 180	2	1	1	1
Over 181	7	10	19	9
Pending	63	38	35	49

Statistical Data

Findings of Complaints Received

April 1, 2010 to March 31, 2011

Police Service	Substantiated	Unsubstantiated	Unfounded	Withdrawn/ Other	S.45(5)**	Service	Not Yet Completed	Total
Regina	4	4	12	1	20	1	17	59
Saskatoon	0	1	4	9	24	3	45	86
Moose Jaw	0	0	2	0	1	0	1	4
Prince Albert	0	0	1	4	5	0	11	21
Estevan	0	0	0	0	1	0	0	1
Weyburn	1	0	0	0	1	0	1	3
Caronport	0	0	0	0	0	0	0	0
Delmeny	0	0	0	0	0	0	0	0
File Hills	0	0	0	0	0	0	0	0
Luseland	0	0	0	0	0	0	0	0
R.M. Corman Park	0	0	0	0	0	0	0	0
R.M. Vancoupy	0	0	0	0	0	0	0	0
R.M. Wilton	0	0	0	0	0	0	0	0
Total*	5	5	19	14	52	4	75	174

* While only 152 complaints were filed, some had multiple complaints and findings.

** Under S.45(5) the circumstances did not require investigation or, during the course of the investigation, it was determined that circumstances no longer supported the continuation of the investigation.

Definition of Complaint Findings

- Substantiated - supported by evidence
- Unsubstantiated - allegation cannot be proved or disproved
- Unfounded - unsupported by evidence

Definition of Descriptions

- 36Av - Discreditable Conduct
- 36C - Neglect of Duty
- 36Fi - Abuse of Authority - without good and sufficient cause, makes an arrest
- 36Fii - Abuse of Authority - unnecessary use of violence

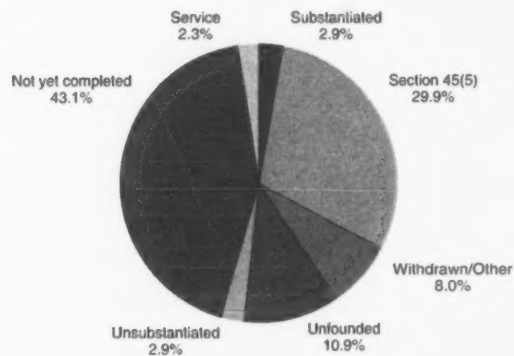
Classification of Substantiated and Unsubstantiated Complaints

April 1, 2010 to March 31, 2011

Police Service	Substantiated	Description
Weyburn	1	36Av
Regina	2	36C
	1	36Fi
	1	36Av
Police Service	Unsubstantiated	Description
Regina	2	36Av
	2	37Fii
Saskatoon	1	36C

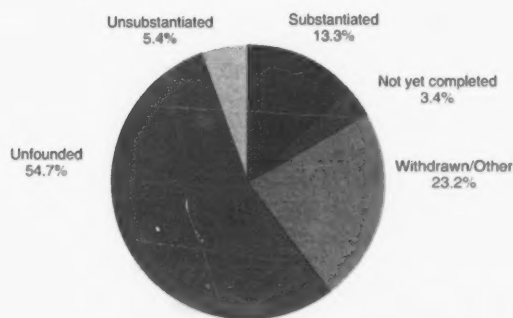
Complaint Findings

April 1, 2010 to March 31, 2011



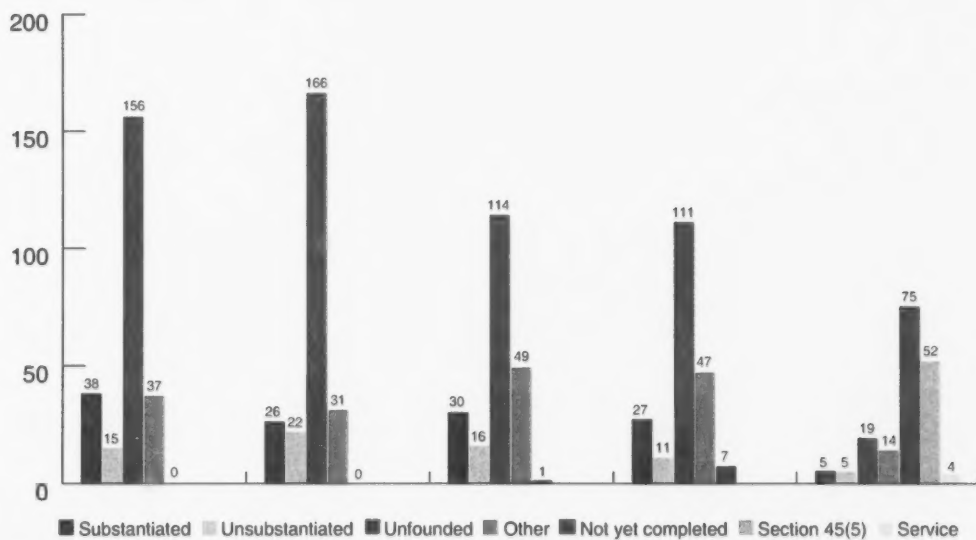
Revised Complaint Findings

April 1, 2009 to March 31, 2010



Five-year Comparative Statistics

2006-07 to 2010-11



This table shows the status of complaints filed in each fiscal year as of March 31, 2011.

Types of Complaints Received

April 1, 2009 to March 31, 2010

Type of Complaint	Total	Regina	Saskatoon	Moose Jaw	Prince Albert	Estevan	Weyburn	Caronport	Dalmeny	Luseland	File Hills	Corman Park	Vanscoy	Wilton
Discreditable Conduct	26	13	9	0	2	1	1	0	0	0	0	0	0	0
Neglect of Duty	39	11	22	2	3	0	1	0	0	0	0	0	0	0
Insubordination	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	2	0	1	0	1	0	0	0	0	0	0	0	0	0
Corrupt Practice	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority	30*	17	8	1	4	0	0	0	0	0	0	0	0	0
Improper Use of Firearms	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor/ Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	2	1	1	0	0	0	0	0	0	0	0	0	0	0
Not Yet Completed	75	17	45	1	11	0	1	0	0	0	0	0	0	0

* Nineteen of the 30 Abuse of Authority allegations were for Unnecessary Use of Violence.

Case Summaries

The case summaries provided are a cross-section of the types of complaints received. The increased use of informal resolutions by the various police services is gratifying to note, particularly when complaints are based on lack of communication, or lack of understanding of police procedures and their enforcement, or investigational duties and responsibilities.

Mr. S

The investigation was conducted by a Public Complaints Commission (PCC) investigator.

Mr. S's complaint relates to the actions of police officers who arrested him. He reported that officers entered his residence without warrant to arrest him and used improper force. Mr. S acknowledged that he was aware that there were outstanding warrants for his arrest when police officers came to the residence. Mr. S did not want to be arrested and did not respond to officers' knocks at the door of the apartment. When officers entered the apartment, he escaped and fled, chased by officers. He said he collided with someone outside a nearby apartment and was apprehended by officers. Mr. S said officers struck him a number of times before he was placed in handcuffs. He suffered a cut to his head and bruises to his arms, back and ribs. Officers took Mr. S for medical treatment after he was arrested. Mr. S stated that he later pled guilty to charges of resisting arrest related to these circumstances.

Police Service records, reports and statements from the officers were reviewed. Investigation was being conducted to locate Mr. S regarding outstanding arrest warrants related to *Criminal Code* offences, including allegations involving violence, threats and weapons. Mr. S was observed entering an apartment. When no one responded to officers' knocks, pounding and shouts at the apartment, an officer obtained a warrant to enter. It was established that a Form 7.1 Warrant to Enter Dwelling-House was duly issued by a Justice authorizing the officers to enter the residence where Mr. S was hiding. Officers stated that he exited via a window, fled from officers, failed to follow commands to stop and cease resisting, pulled away from the grasp of an officer, knocked down an innocent bystander during flight and attempted to kick and strike officers. Officers acknowledged striking Mr. S with a baton while he was running and

delivering several blows to gain control of his resistance once he was on the ground. The officers stated that the force was necessary and reasonable.

Under the provisions of Section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police Service reviewed these circumstances and recommended that the conduct of the officers did not warrant disciplinary action.

I was satisfied that the police officers were lawfully executing their duty, had reason to believe that Mr. S was potentially dangerous based on his behaviour, flight, resistance and collision with innocent citizens. Section 25(1) of the *Criminal Code* authorizes a police officer to use as much force as is necessary to accomplish her/his duty, provided that s/he acts on reasonable grounds. I found there was insufficient credible basis to believe officers employed unnecessary violence.

In consultation with the Chief of Police, pursuant to Section 45(5)(b) of *The Police Act, 1990*, I directed that the investigation be terminated as being vexatious and advised Mr. S accordingly.

Mr. M

Mr. M received a complaint in his capacity as City Manager. Unnamed citizens had expressed concern about the actions of an off-duty police officer at a slow pitch game. The investigation was conducted by a PCC investigator.

The information received indicated that an off-duty police officer engaged in an argument with members of an opposing team over equipment being used by a member of the officer's team. It was reported that the officer swore, yelled, and made derogatory personal comments and improper remarks suggesting individuals may be arrested for illicit drug use. It was suggested that the officer was intoxicated.

The investigation established that the officer had made inappropriate comments about possible drug use. The officer acknowledged the remarks.

There was no reasonable basis to establish that the officer consumed alcohol to excess.

Under the provisions of Section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and determined that the officer's behaviour constituted discreditable conduct. Disciplinary action was taken, which included a reprimand and a period of probation.

I was satisfied, despite the reluctance of concerned citizens to become involved, that the officer's actions had been thoroughly reviewed. I was supportive of the disciplinary action taken by the Chief of Police and that it was appropriate to the circumstances.

Ms. W

Ms. W alleged that police officers did not provide her with medical attention at the scene of an accident in which she was involved, or while she was held in custody at the police service detention facility. Ms. W was charged with impaired driving causing bodily harm as a result of this accident.

My review determined that Ms. W's recollection of events that took place immediately following the accident did not reflect the information provided by the attending police officers. Her recollection did not agree with the information provided by the attending Emergency Medical Technicians (EMTs) who responded to the accident and offered Ms. W medical attention.

Information provided to the PCC stated that Ms. W refused multiple requests by the EMTs to provide her medical assistance. One of the police officers asked if she wanted to go to the hospital or if she was sore or in any pain. Ms. W replied that she was not and that she did not want to go to the hospital.

At the accident scene, Ms. W got out of the vehicle from behind the driver's wheel with the assistance of a police officer and made her way to a police vehicle. She was sitting inside this vehicle when she was approached by an EMT

to sign a release document confirming that she did not want medical attention. The police officer removed her handcuffs and Ms. W signed this document to confirm her refusal of medical attention.

Subsequently, Ms. W was escorted to the police detention facility, where upon being booked in, admitted to detention staff that she had been drinking and further that she had no medical conditions. When asked if she wanted to contact a lawyer, she responded, "No."

The booking form was reviewed. There was no indication that Ms. W received any incoming phone calls or that she requested medical attention. The guard on duty was questioned and stated there was no recollection or record that she had requested medical attention.

I noted that Ms. W was described as extremely intoxicated.

My review determined that there were no records to substantiate her allegations that the police refused to provide medical attention. On the contrary, there is convincing information that Ms. W was asked if she required medical attention and she declined. Individuals have the right to refuse medical treatment, and such treatment cannot be provided against the expressed instructions of those individuals.

I therefore directed that no further investigation was required as Ms. W's allegations against the police officers were unfounded.

Ms. D

Ms. D's complaint related to the actions of a police officer in his role as a liaison officer at her son's high school. She described the officer's actions as "defamation of character."

Ms. D was informed that the officer discussed her son's involvement in incidents with others and suggested to her son's friends and associates that he was of bad character and they should avoid associating with him. The parents of her son's friend are police officers and she suggested this influenced the action involving her son.

Police service reports and records indicated that her son was directly or indirectly involved

in two incidents that had the potential to injure him or others and could have resulted in court proceedings. The incidents involved possible assaults, damage to property, lying and misleading police officers. Through the school resource officer and the administrations of two schools, the decision was taken for the matters to be dealt with by administrative action by school authorities.

In the process of resolving the incidents, the officer acknowledged providing guidance and advice to other students who were directly and indirectly involved. The officer stated that he suggested her son's behaviour may be a bad influence on their own behaviour and should be avoided. Communications took place in the privacy of an office, generally one-on-one, although on one occasion two individuals approached and spoke to the officer together. The officer denied disclosing information about Ms. D's son's actions, although he was referred to by first name. The officer recalled one incident that took place in public. Ms. D's son threw coins on the floor in front of the officer in a fast food restaurant near the school. The officer reported that other youths were present and the officer told her son he didn't have "any sense to spare" and he should pick the coins up.

Several of the young people that were identified by Ms. D confirmed that the officer suggested not associating with her son during the course of conversation in the privacy of his office. They were apparently aware of her son's version of events and questioned the officer's opinion that her son was a bad influence. No one provided information that suggested improper disclosure of personal or police information.

One of the youths who associated with Ms. D's son is the daughter of police officers, at the time 17 years old. There was information there was a disagreement between the parents, daughter and Ms. D's son over an unauthorized late night visit. Ms. D came to their home on two or more occasions. The parents agreed that she may have encountered them in uniform as they were coming from, going to or on a break from duty at the time; however, this was considered a family - not a police - matter. They confirm being friends with the school resource officer and communicating with him over the period. However, they deny interfering with or influencing what their daughter said to Ms. D

or what was contained in their daughter's text messages or correspondence to Ms. D.

The school resource officer called them some time after the late night visit to advise them of and express concern about the daughter's association with Ms. D's son. It is not believed that the son was aware of the family issue related to the unauthorized visit.

The police chief advised that the mandate and vision established for the program includes, "The Police Service School Resource Officer program combined education, investigation, law enforcement, counselling, crime prevention and community relations to meet the diverse needs of the students, teachers, and staff of the school community." Further, "As much as possible, they (School Resource Officers) try to find alternatives to arresting offenders." The officer's actions were reviewed by his supervisor and one or more meetings were held between Ms. D, representatives of the school, the liaison officer and his superiors; however, Ms. D was not satisfied with the outcome.

Under the provisions of Section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and determined that the officer's actions were in keeping with the School Resource Officer Program and did not constitute discreditable conduct or warrant disciplinary action.

I advised the complainant that I understood her concerns as a parent for her son's welfare and well being and her desire to be his advocate. Although her understanding of the situation was based largely on her son's version of events and her interpretation of what was essentially chatter between young people, there was little question that the officer may have suggested that others should reflect on the prudence of associating with her son, having regard to his behaviours.

Legislation and the policies of justice, education and other authorities emphasize prevention, intervention and diversion of youths that are at risk of being in conflict with the law. The police

service School Resource Officer program would be readily regarded as part of and consistent with these initiatives.

The "defamation" Ms. D alleged is not clearly defined as it applies to these circumstances, but would encompass falsehoods and actions based on bad faith or malice. None of these were indicated in these circumstances. There was reason to believe that her son was at least on the verge of being involved in criminal allegations and that his behaviour influenced others and the reverse.

Many parents have experienced the futility of attempting to influence children's choice of friends and associates, as the officer may have attempted here. However, his actions did not constitute wrong doing. Likewise, bias, improper disclosure of personal or police information or interference was not supported. Ms. D's son's friends and associates knew as much as or more about her son's version of events than did the officer. They held their own opinions in this regard and in some instances they initiated the contact with the resource officer.

Although the parents and the school resource officer know each other and communicated with each other during the time that Ms. D was making contact and attempting to obtain statements and information, there was no basis to believe there was improper interference.

I concluded that there was no improper conduct by the officer who dealt with her son and, therefore, no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

Mr. K

Mr. K alleged a police officer used excessive force and conducted himself in an unprofessional manner during the course of his arrest.

Police service reports and records indicated officers had been dispatched to an alarm at a business. A K-9 officer attended and found fresh pry marks on the rear door of the business. The officer heard a vehicle accelerate away from the area at a high rate of speed. The officer drove away from the business and noted a vehicle being driven at a high rate of speed. This vehicle did not have its tail lights on.

The officer believed the vehicle could have been involved in the alarm call and pursued it. The officer noted the vehicle, a Jeep, stopped and backed up into a mall parking lot. The officer pulled in, blocked the Jeep and called for back up officers. The officer ordered the male driver, later identified as Mr. K, out of the vehicle. The officer ordered him to lie face down on the ground.

Mr. K argued with the officer and the officer advised him that if he did not comply with his commands, the officer would deploy pepper spray or his police dog. Mr. K eventually complied with the officer's commands.

The officer exercised due discretion and diligence and waited until other officers arrived before he physically engaged and handcuffed Mr. K. The officer controlled and handcuffed him in a manner consistent with training provided to officers at the Saskatchewan Police College. When Mr. K became both physically and verbally unco-operative and moved his head to the side, the officer moved his knee to cover and control his head. This is done to prevent persons from spitting at officers in this type of situation.

The officer stated he did not "jump" on Mr. K or "grind" his face into the ground. The two assisting officers also stated the subject officer did not jump on Mr. K or grind his face into the ground.

The subject officer documented all his actions in how he physically controlled Mr. K in his occurrence report. The officer noted and documented that he observed Mr. K exhibited signs of impairment including glassy eyes, a heavy odour of beverage alcohol and slurred speech. The officer had reasonable and probable grounds to arrest him for impaired driving.

The cells video showed Mr. K to be profane, belligerent and unco-operative. After he was booked in, he was taken to his cell by the officer and a female cell officer. Mr. K alleged he was, "shoved profusely" by the female officer. The video showed Mr. K refused two commands to enter the cell. The female officer took hold of his arm and moved him into the cell when he refused to comply. Mr. K was not "shoved profusely."

I noted that when Mr. K lodged his public complaint, he advised the Watch Commander that he was a truck driver and that he had one previous impaired driving charge. He advised the Watch Commander that he was concerned he would lose his job and that the police may drop the charge if he made a complaint.

I concluded that the officer did not use unreasonable force against Mr. K. Therefore, the allegation that the officer committed the major offence of Abuse of Authority was concluded as unfounded.

I concluded the officer did not exhibit unprofessional conduct toward Mr. K by action or language. Therefore, the allegation that the officer committed the minor offence of Abuse of Authority was concluded as unfounded.

There was no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991* and the matter was concluded.

Mr. R

Mr. R's complaint concerned an incident when police officers entered and searched his home without explanation.

The police service provided records and voice recordings of the related call the officers had responded to. These records showed that numerous persons called the police service to report a large brawl in progress in the vicinity of Mr. R's residence.

Two of the callers reported that two or three young males, dressed in black, were beating a young female. One of these callers stated these persons came out of Mr. R's home prior to the assault. The other caller reported the males forced the young woman back into Mr. R's home. Both of these callers specifically identified Mr. R's home to the police. The officers had been advised that a young woman had been severely assaulted and forced into his home. Under the circumstances, they had to ascertain whether the woman and suspects were in his home and confirm the young woman's safety.

The *Criminal Code* of Canada allows officers to enter a private dwelling without warrant in the event of "exigent circumstances." The

situation faced by the officers to locate and ensure the young woman's safety qualified as "exigent circumstances." In such circumstances, the officers could enter a home, with force if necessary, to ensure that a person's life was not in jeopardy.

Every on-duty officer had been dispatched to the brawl. The officers acted quickly and once they assured themselves the victim was not in Mr. R's home, they quickly left to continue to search the area and assist other officers.

I was satisfied that the officers were acting in the lawful execution of their duty when they entered and searched Mr. R's home. It is apparent that the witnesses were mistaken in their belief that the young lady had entered his home; however, the officers were acting with the good faith belief in the witnesses' statements.

I determined it was not necessary to authorize a formal investigation and this matter was concluded as per Section 45(5)(a) of *The Police Act 1990*.

Mr. MW

Mr. MW alleged that officers used improper force during his arrest. He stated that he was an occupant of a vehicle stopped by police. Several police officers approached, demanded he exit the vehicle while questioning the occupants about knives. As he had a black eye, Mr. MW believed that an officer thought he had been involved in an altercation that was being investigated. Mr. MW indicated that he co-operated and followed police officers' directions, but officers struck and kicked him several times, including four or five kicks to his face. He said that officers placed a mask device over his face for no reason. Mr. MW acknowledged that he had consumed liquor; however, he did not consider himself intoxicated. Although he did not receive medical attention, he reported that once in the police car he realized he was bleeding from the head. Photographs taken depicted swelling and two linear injuries to his forehead.

The other occupants of the vehicle were Mr. MW's relatives or friends. Each was also detained, searched and questioned by officers. As a result each saw only part of his interaction with officers. They confirmed that he had a

black eye and had consumed liquor prior to the encounter with officers. Their versions of events differ. One of these individuals stated that officers kicked Mr. MW in the head in excess of 20 times. Another said that Mr. MW was kicked four or five times with medium force that appeared intended to force him down. The witnesses had differing recall as to whether he was going to the ground or on the ground when Mr. MW was kicked. One individual said that he was bleeding when he was taken to the police car; another said that he was not.

Police service records, reports and radio communication transcripts indicated several callers reported a fight taking place on a parking lot outside a licensed premise. It was reported that 10 individuals were involved and weapons, including a machete, were visible. Eight officers were dispatched to attend. The first officers to arrive received information from bystanders that those involved, including the individual believed to have a weapon, were in a nearby vehicle. This was supported by audio recordings as the same information was received by communications officers from a bystander calling on a cell phone. Mr. MW was one of the occupants of the vehicle pointed out to the officers. His clothing and physical appearance were similar to that provided with respect to the individual wielding the machete.

Several officers approached the vehicle and dealt with the occupants separately. Officers had differing views, if any, of Mr. MW being taken into custody. Two officers stated that although he exited the vehicle when requested, he did not follow verbal commands to kneel on the ground. Officers stated that Mr. MW continued to come toward one officer and appeared aggressive. An officer stated that he struck Mr. MW several times in the upper arm to gain his compliance. Once Mr. MW was kneeling on the ground he did not immediately comply with commands to produce his hands. An approaching officer stated that Mr. MW did not appear to be complying with commands from officers and he observed Mr. MW holding his hands and arms toward his chest. The officer believed Mr. MW could be in possession of a concealed weapon and that he presented a threat to others. The officer approached and delivered a kick to his upper body. The officer stated that he was certain the blow had not struck his head or face as Mr. MW's head did not move and there was

limited effect on Mr. MW. Officers stated that Mr. MW was forced to the ground but attempted to push himself up. An officer stated that he delivered several blows to the side of Mr. MW's head with his fist in an effort to gain his compliance in remaining on the ground.

Officers stated that once secured and placed in a police vehicle, Mr. MW struck his face against the vehicle security screen several times. After this he was bleeding from the face. En route to the police station the officers stated Mr. MW was spitting in the vehicle. As a result, Mr. MW was placed in a "spit hood," a device approved by police service policy to prevent individuals from spitting potentially hazardous body fluids at officers.

As Mr. MW alleged excessive use of force, Section 47 of *The Police Act, 1990*, requires that the circumstances be reviewed by the Ministry of Justice, Public Prosecutions Division, to determine if the conduct of the police officer(s) constitutes a criminal offence. Following their review, Public Prosecutions recommended no charges against any officer.

Under the provisions of Section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and recommended that the conduct of the officers did not warrant disciplinary action.

The Public Complaints Commission takes complaints related to police officers' use of violence very seriously. It is regrettable that Mr. MW may have been injured during the struggle with officers. The fact that he may have been injured does not in itself establish that the officers used excessive violence. On a balance of probabilities, the linear injuries to his face appear more consistent with Mr. MW's striking his face against the vehicle security screen than blows from one of the officers. The investigation determined there was evidence that Mr. MW displayed similar behaviour when detained on a previous occasion.

Budget Allocation

I am satisfied that the police officers were lawfully executing their duty investigating a reported altercation involving weapons. Information received from initial inquiries led the officers to suspect that one or more individuals, in the vehicle that Mr. MW occupied, possessed weapons. It is not disputed that police officers struck Mr. MW a number of times with blows and kicks. However, I do not believe that he was kicked in the head 20 times, or with any certainty that any blows to his head were kicks.

Section 25(1) of the *Criminal Code* authorizes a police officer to use as much force as is necessary to accomplish her/his duty, provided that s/he acts on reasonable grounds. I appreciate that Mr. MW believed that he co-operated and followed directions from the officers. However, the officers reasonably suspected that Mr. MW had a weapon and there was evidence that he was not following officers' commands, necessitating the use of force to gain his compliance. Without additional support I was not satisfied that unnecessary violence was used by officers.

I concluded that improper action by the officers was not supported. Therefore, there was no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

The following figures show the approved budget for the 2010-11 fiscal year.

Approved Budget	\$613,000
Grant - F.S.I.N.	
Special Investigations Unit	166,400
Salaries, Honorariums, Per Diems	386,411
Operating Expenses	79,655
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	\$632,466

